

Ronald Seely
Chief Counsel
Kendell Johnson
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U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
150 Apollo Drive
Chelmsford, MA 01824

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CHELMSFORD IMMIGRATION COURT
CHELMSFORD, MASSACHUSETTS**

In the Matter of:

OLIVEIRA GOMES, Cleberson

In Removal Proceedings

File Nos. A 226040357

Immigration Judge: Hon. Donald Ostrom

Next Hearing Date: June 12, 2025

**DEPARTMENT OF HOMELAND SECURITY'S
NOTICE OF THE RESPONDENT'S INELIGIBILITY FOR BOND**

Now Comes the Department of Homeland Security and asserts the Respondent is not eligible for bond pursuant to *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). “An applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under 235(b) of the Immigration and Nationality Act (“INA”), and is ineligible for any subsequent release on bond under section 236(a) of the INA.” (Internal citations omitted). Attached, please see Respondent’s Form I-213s issued on May 13, 2024 and May 30, 2025.

Respectfully submitted this 11th day of June, 2025.

**KENDELL J
JOHNSON**

Digitally signed by KENDELL J
JOHNSON
Date: 2025.06.11 11:42:27
-04'00'

Kendell Johnson
Assistant Chief Counsel
U.S. Customs and Immigration Enforcement
U.S. Department of Homeland Security

CERTIFICATE OF SERVICE

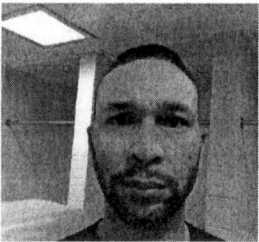


On June 11, 2025, I, Kendell Johnson, Assistant Chief Counsel, served a copy of this **U.S. Department of Homeland Security's Submission** on Respondent:

- ☐ by first-class mail, postage pre-paid, to [address of party served].
- ☐ by first-class mail, postage pre-paid by placing into my office's receptacle designated for official "out-going" first class mail to:
- ☐ by personally delivering a true copy thereof to the person set forth above.
- ☐ by electronic service, to the following e-mail address:
- ☐ by eService pursuant to the Terms and Conditions agreed to between the parties.
- ☒ through the EOIR Courts and Appeals System (ECAS), which will automatically send service notifications to both parties that a new document has been filed.
- ☐ by personal delivery by Enforcement and Removal Operations in Detention.

**KENDELL J
JOHNSON**

Digitally signed by KENDELL J
JOHNSON
Date: 2025.06.11 11:43:22 -04'00'

Kendell Johnson
Assistant Chief Counsel

| U.S. Department of Homeland Security | | Subject ID : 398779359 | Record of Deportable/Inadmissible Alien | |
|---|--|---|---|--|
| Family Name (CAPS) First Middle OLIVEIRA GOMES, CLEBERSON | | | Sex M | Hair BLK |
| Country of Citizenship BRAZIL | Passport Number and Country of Issue GJ098520 BRAZIL | File Number BOS2505002323 226 040 357 | Height 72 | Weight 143 |
| U.S. Address CHELMSFORD CHELMSFORD, MASSACHUSETTS, 00000 | | | Occupation LABORER | |
| Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, | | | Scars and Marks | |
| Number, Street, City, Province (State) and Country of Permanent Residence | | | F.B.I. Number HFE9W8065 | |
| Date of Birth 09/14/1989 Age: 35 | | | <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated | |
| Date of Action 05/30/2025 | | | Method of Location/Apprehension NCA | |
| City, Province (State) and Country of Birth BRAZIL | | | At/Near See I-831 | |
| NIV Issuing Post and NIV Number | | | Date/Hour 05/29/2025 19:29 | |
| Date Visa Issued | | | By K 9798 CHAE | |
| Social Security Account Name | | | Status at Entry | |
| Social Security Number | | | Status When Found | |
| Immigration Record NEGATIVE | | | Length of Time Illegally in U.S. | |
| Criminal Record | | | | |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) | | | Number and Nationality of Minor Children None | |
| Father's Name, Nationality, and Address, if Known OLIVERA GOMES, MILYAN NATIONALITY: BRAZIL | | | Mother's Present and Maiden Names, Nationality, and Address, if Known SANTOS OLIVERIA, ROSA NATIONALITY: BRAZIL | |
| Monies Due/Property in U.S. Not in Immediate Possession None Claimed | | | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Systems Checks See Narrative |
| Name and Address of (Last)(Current) U.S. Employer | | | Type of Employment | Charge Code Words(s) See Narrative |
| | | | Salary | Employed from/to |
| | | | | Hr |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FIN: 1361039029 Left Index fingerprint Right Index fingerprint | | | | |
|    | | | | |
| Subject Health Status ----- The subject claims good health. | | | | |
| Current Administrative Charges ----- 05/29/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) | | | | |
| Previous Criminal History ... (CONTINUED ON I-831) ----- | | | | |
| Alien has been advised of communication privileges _____ (Date/Initials) | | | G 11401 NUVOLONI GINA M Deportation Officer NUVOLONI _____ (Signature and Title of Immigration Officer) | |
| Distribution: T-file | | | Received: (Subject and Documents) (Report of Interview) GINA M Officer: G 11401 NUVOLONI on: May 30, 2025 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: CHAE, K 9798 KEVIN CHAE | |
| | | | Digitally signed by GINA M NUVOLONI Date: 2025.05.30 17:40:43 -04'00' Digitally signed by KEVIN CHAE Date: 2025.05.30 17:45:08 -04'00' | |

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|--|--|------------------------------|
| Alien's Name OLIVEIRA GOMES, CLEBERSON | File Number 226 040 357 Event No: BOS2505002323 | Date 05/30/2025 |
| <p>----- Subject has no criminal history RECORDS CHECKED ----- CIS Pos EARM Pos IAFIS Pos NCIC Neg TECS Pos O Pos AT/NEAR ----- Chelmsford, MA Record of Deportable/Excludable Alien: ----- ENCOUNTER: On May 29, 2025, as part of Operation Patriot, New York City (NYC), Enforcement and Removal Operations (ERO) officers, assigned to the Boston, MA field office attempted to locate and arrest OLIVEIRA GOMES, Cleberson (DOB: September 14, 1989; A226 040 357; COC: Brazil). At approximately 1710 hours, NYC ERO officers observed OLIVEIRA GOMES exiting 150 Apollo Dr, Chelmsford, MA 01824. NYC ERO officers approached and identified themselves as officers with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), clearly displaying their badges, conducted a consensual encounter and asked the individual for his true name. The individual then freely stated his true name as OLIVEIRA GOMES, Cleberson. At approximately 1712 hours, NYC ERO officers positively identified OLIVEIRA GOMES through a series of pedigree questions. At approximately 1715 hours, NYC ERO officers arrested OLIVEIRA GOMES without incident pursuant to a Warrant for Arrest of Alien (Form I-200). NYC ERO officers cleared the area and transferred OLIVEIRA GOMES to Paragon contractors to be transported to the Boston, MA field office for processing and custody determination. ALIENAGE AND DEPORTABILITY: OLIVEIRA GOMES is a male citizen and national of Brazil. Database queries reveal, there are no known derivation of U.S. citizenship issues. IMMIGRATION HISTORY: On May 13, 2024, A Border Patrol agent encountered this subject in the San Diego Border Patrol Sector's area of responsibility (AOR). It was determined that this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States. After determining that this subject illegally entered the United States, the subject was arrested and transported to a nearby Border Patrol facility for processing using the E3/IDENT and IAFIS Systems. APPLICATIONS: A systems check revealed OLIVEIRA GOMES has no applications pending or approved with the United States Citizenship and Immigration Services (USCIS), to include any U, T visa and VAWA applications.</p> | | |
| Signature G 11401 NUVOLONI | GINA M NUVOLONI Digitally signed by GINA M NUVOLONI Date: 2025.05.30 17:41:14 +04'00' | Title Deportation Officer |

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|---|--|------------------------------|
| Alien's Name OLIVEIRA GOMES, CLEBERSON | File Number 226 040 357 Event No: BOS2505002323 | Date 05/30/2025 |
| IDENTIFICATION: Massachusetts driver's License # SA9361317. CRIMINAL HISTORY: FBI: HFE9W8065 FINS: 1361039029 OLIVEIRA GOMES has no criminal history in the United States. MEDICAL HISTORY: OLIVEIRA GOMES claims good health and is not taking any medication. ARRESTING OFFICERS/AGENTS: AFOD Guerra, SDDO Chae, SDDO Valbrun, DO Nuvoloni, DO Mejia, DO Brown, DO Harris DISPOSITION: ERO NYC officers transferred custody of OLIVEIRA GOMES to Paragon contractors to be transported to the Boston, MA field office for processing and a custody determination. Other Identifying Numbers ----- ALIEN-226040357 | | |
| Signature G 11401 NUVOLONI NUVOLONI | Digitally signed by GINA M NUVOLONI Date: 2025.05.30 17:41:51 -04'00' | Title Deportation Officer |

EARM

Logged In: [REDACTED]

Person ID: **19563995** Sex: **M** DOB: **09/14/1989** Current Age: **35** COB: **BRAZI** COC: **BRAZI**

Subject ID : **393830222** Processing Disposition: **Notice to Appear Released (I-862)** ICE Non-Detained Portal Verified Account: **No** [RCA Look](#)

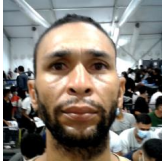
Case # : **23857518** Case Category: **[8B]** Docket: **BOS - .Detained Pre Order 250-499**

Final Order of Removal: **No** Time in Custody: **13 days** Special Class:

Final Order Date: **N/A** Depart / Cleared Status: **ACTIVE**

Proceed With Removal: **N/A**

Days Final Order in Effect: **N/A**



Current / Active Alerts

In Custody

eFile G-28

Z-Hold

Oliveira Gomes, Cleberson 226 040 357

Encounter Details

| 3 Encounter(s) linked to Person ID: 19563995 | | | | | | | | | | | |
|--|------|------------|-----------|----------------|------------|-------|---------------------|------------|----------------|----------|---------------|
| | Ref# | Subject ID | A-Number | Last Name | First Name | COC | Historical Priority | DOB | Encountered on | Case | Case Category |
| <input type="radio"/> | 3 | 398779469 | 226040357 | OLIVEIRA GOMES | CLEBERSON | BRAZI | No Priority | 09/14/1989 | 05/29/2025 | 23857518 | 8B |
| <input type="radio"/> | 2 | 398779359 | 226040357 | OLIVEIRA GOMES | CLEBERSON | BRAZI | No Priority | 09/14/1989 | 05/29/2025 | 23857518 | 8B |
| <input checked="" type="radio"/> | 1 | 393830222 | 226040357 | OLIVEIRA GOMES | CLEBERSON | BRAZI | No Priority | 09/14/1989 | 05/12/2024 | 23857518 | 8B |

Encounter Details

All information below may only be edited in EAGLE

Event / Incident Information

Event Number: **BLV2405000108**

Event Occurred On: **05/12/2024**

Event Type: **Administrative Non-Criminal Individual**

Program: **BP - Border Patrol**

Operation: **N/A**

Site: **N/A**

Landmark: **N/A**

Primary Agent: **N/A**

Assigned On:

Event Supervisor: **N/A**

Assigned On:

Subject Information

FINS: **1361039029**

DNA Collection Device Number: **F3760741**

A-Number: **226 040 357**

Control Name: **OLIVEIRA GOMES**

First Name: **CLEBERSON**

Middle Name: **N/A**

Maiden: **N/A**

Nickname: **N/A**

Living?: **N/A**

Sex: **M**

Marital Status: **Single**

SSN: **N/A**

Juvenile Verified: **N/A**

Occupation: **LABORER**

TSC Log #: **N/A**

Historical Priority: **No Priority**

Criminal Type: **N/A**

Agg Felon: **No Aggravated Felony Convictions**

Primary Citizenship: **BRAZIL**

Stateless Type: **N/A**

Hair: **BLK**

Eyes: **BRO**

Complexion: **BLK**

Race: **B**

Origin: **N/A**

Date of Birth: **09/14/1989**

Age: **35**

Age at Encounter: **34**

Height: **72**

Weight: **143**

Role: **I**

Role Comment: **N/A**

Processing Disposition: **Notice to Appear Released (I-862)**

INS Status: **Inadmissible Alien**

POE: **CALEXICO, CA**

Entry Date: **05/12/2024**

Entry Class: **PWA Mexico**

Apprehension Date: **2024-05-12 18:41:25.0**

Warrant served by Warrant Service Officer (WSO)? **N/A**

Arrest Method: **Patrol Border**

Site: **BLV**

Landmark: **32 D - S OF I-8, E OF CARRIZO GORGE RD/DOCS, W OF IKP INT, S TO CNTY LINE**

Arrest At/Near: **CALEXICO, CA**

EOIR — 7 of 8

1/2

| | | |
|---|--------------------------------------|--|
| NUIN #: N/A | Speak/Understand English: N/A | Juvenile Status: N/A |
| SEN #: N/A | Read/Write English: N/A | CBP Family Unit ID: N/A |
| TECS Subject #: N/A | Primary Language: SPANISH | CBP Separation Reason: N/A |
| U.S. Veteran Status: N/A | Family Members: N/A | Accompanying Family Member Relation: N/A |
| Relationship to U.S. Veteran(s): N/A | | Accompanying Family Member Subject ID: N/A |
| | | Consequence Delivery System Selection: FIRA |
| | | ICE Family ID: N/A |

I-213 Narrative

Narrative 1 : Created Date: 05/13/2024 07:20 PM

IMMIGRATION HISTORY: No Prior immigration history.

CRIMINAL HISTORY: No prior criminal history.

ENCOUNTER:
 A Border Patrol agent encountered this subject in the San Diego Border Patrol Sector's area of responsibility (AOR). It was determined that this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.

After determining that this subject illegally entered the United States, the subject was arrested and transported to a nearby Border Patrol facility for processing using the E3/IDENT and IAFIS Systems.

IMMIGRATION/CRIMINAL VIOLATION:
 The subject claims to be a citizen and national of Brazil without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry.

The subject stated that both parents are citizens of Brazil and no other country.

CONSULAR NOTIFICATION:
 The subject was notified of their right to communicate with a Consular Officer from their country as per Article 36 (1) (b) of the Vienna convention on Consular Relations. The subject indicated they understood this right but declined to speak with anyone at this time.

DISPOSITION:
 The subject provided a valid / verified U.S. address and phone number.

The subject is being processed as NTA/OR due to lack of bed space.
 The subject was served with DHS forms I-220A, I-862, I-286, and given a copy of agency form G-56, a list of free legal services, and the "Notice to Appear Tear Sheet."

The subject was informed, per agency for I-220A, that they must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review and / or surrender for removal from the United States if so ordered.

The subject was given a copy of form EOIR-33 and instructed that if their address and/or telephone number changes while awaiting or going through immigration proceedings, they are to file this form with the Department of Homeland Security within five (5) working days of that change.

The subject does not appear to be a threat to national security, border security, or public safety. The subject was released from the custody of the Department of Homeland Security (DHS) by "Order of Recognizance" (O.R.) pending their immigration hearing. This release was authorized through proper channels in accordance with San Diego Sector protocols.

The processing of this NTA/OR was conducted virtually by Border Patrol Agent Eddie Reed at the Murrieta Border Patrol Station. The subject and witness Border Patrol Agents were present at the San Diego Area Detention/ Transit Staging Area in San Diego, California.